

REMARKS/ARGUMENTS

Claims 1-84 were examined on their merits. Claims 1, 20 and 21 have been amended. Claims 23-84 have been canceled. Applicants note that the claims have been amended, withdrawn, or canceled solely for the purpose of expediting prosecution and obtaining an issued patent covering a lead development device of interest to the inventors of the technology. Applicants have no intention of abandoning any non-elected, withdrawn, or canceled subject matter and should it be necessary, Applicants expressly reserve the right to file one or more continuation and/or divisional applications directed to non-elected, withdrawn, or canceled subject matter. Therefore, claims 1-22 are currently pending in the present application.

I. Formal Matters

A. Substance of the Interview Conducted May 6, 2008

Applicant wishes to thank Examiner Matter for the helpful discussions with Applicant's representative on July 25, 2008. Applicant acknowledges that proposed amendments to the claims were discussed during the above-referenced interview. The Examiner agreed to consider the claims upon submission.

B. Request for Interview

In the event that there are any issues left unresolved by this Response, the Examiner is respectfully requested to contact the undersigned to schedule a telephonic interview prior to issuance of another Office Action. Applicants believe that an interview will greatly assist and expedite the examination of the present application. The undersigned can be reached at the number listed below.

II. Rejections Under 35 U.S.C. § 112, First Paragraph, Written Description

Claims 1-84 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification as originally filed allegedly does not support the recitation of "a suspension attachment." This rejection is moot with regard to canceled claims 23-84. Applicants traverse this rejection. As discussed with Examiner during the above-referenced interview, support for

this subject matter can be found at least Figure 1; page 20, lines 14-17; and page 22, lines 16-20 of the present application. Accordingly, Applicants submit that the recitation of “suspension attachment” in the claims is fully supported by the specification and respectfully requests withdrawal of this rejection.

III. Obviousness Rejections under 35 U.S.C. § 103(a)

The claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stevens, U.S. Patent No. 1,105,934 (“Stevens”) in view of Voges, U.S. Patent No. 5,894,891 (“Voges”) and further in view of Gonzalez, U.S. Patent No. 455,614 (“Gonzalez”). This rejection is moot with regard to cancelled claims 23-84. Applicants respectfully traverse this rejection as it may apply to the remaining and amended claims.

Applicants’ note that claims 1 and 21 have been amended to recite elements previously set forth in claim 20 (i.e., “the inner surface of the housing, proximal to the ejection head and extending to the outlet, is contoured to minimize turbulence”). The Examiner contends that Stevens discloses a device for delivering an aerosolized compound comprising a medicament reservoir, a housing having an upstream end and a down stream end and comprising an inlet and an outlet between which is formed an airflow path wherein the inlet is located at the upstream end of the housing an facing opposite the outlet. *See, e.g.*, Office Action at pages 3-4. The Examiner further contends that Voges teaches a system comprising an entry port and an element to generate particles of a desired size for physical ejection through apertures from an ejection head. The Examiner further contends that both Stevens and Voge describe a suspension attachment, and that it would have been obvious to combine the device of Stevens with the system of Voges. *See, e.g.*, Office Action at pages 4-5. Finally, the Examiner contends that Gonzalez describes a housing contoured to minimize turbulence. *See* Office Action at page 6. The Examiner alleges that the contouring of the inner surface of the housing described by Gonzalez would *implicitly* cause variations in the flow rate and flow pattern of an aerosol. Applicants submit that newly amended independent claims 1 and 21, and the claims that depend therefrom, are patentable at least for the following reason.

Applicants note that Both Stevens and Voges fail to teach or suggest contours to minimize turbulence. Gonzalez must compensate for the deficiencies of Stevens and Voges. Gonzalez is directed to a smoking device for delivering an aerosolized compound. More specifically, Gonzalez describes a smoking device with a body (A) that contains an inlet (a) and a smoke passage (A'). In the body (A) is a sponge (B) acting as a filter that separates the inlet (a) and mouthpiece (e'). The sponge (B) is mounted to the body using perforated diaphragms (C),(C'). Cigar smoke passes through the sponge (B) and diaphragms (C),(C') before being inhaled. The sponge (B) acts as a precipitant of nicotine in the cigar smoke.

Gonzalez is identical to Stevens in that Gonzalez does not teach or suggest airflow traveling between the system and the housing, as claimed. It is assumed, *arguendo*, that the sponge (B) of Gonzalez teaches the claimed system and the body (A) of Gonzalez teaches the claimed housing. Gonzalez clearly teaches that airflow travels through the sponge (B) rather than between the sponge (B) and the body (A), as claimed. Because the airflow in Gonzalez is through the sponge (B), absent from Gonzalez is any teaching or suggestion to minimize turbulence by contouring the inner surface of the airflow path. In fact, the airflow through a sponge or filter is likely to enhance turbulence, not reduce or eliminate it. Gonzales also teaches the use of perforated diaphragms (C),(C') which are also likely to enhance turbulence, not minimize it. Thus, Gonzalez, like Stevens, implicitly fails to disclose any means to minimize turbulence in the airflow through the apparatus.

For the foregoing reasons, Gonzalez fails to teach or suggest contouring of the inner surface of the housing to reduce turbulence, implicitly or explicitly, as currently recited in claims 1 and 21. Accordingly, Gonzales fails to cure the deficiencies of Stevens of Voges. The combination of Stevens, Voges, and Gonzalez cannot reasonably be said to render obvious the claimed subject matter. The Examiner is therefore respectfully requested to withdraw the § 103(a) rejection from the pending claims.

V. Conclusion

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously requested. In order to expedite resolution of any issues and to expedite passage of the present application to issue, the Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number if any comments, questions, or suggestions arise in connection with the present application.

Applicants are submitting herewith the fees associated with a three-month Extension of Time. In the event that the U.S. Patent and Trademark Office requires any additional fee to enter and/or consider this Reply, or to prevent abandonment of the present application, please charge such fee to the undersigned's Deposit Account No. 50-2613 (Order No. 38466.00008.UTL1).

Respectfully submitted,

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Dated: August 6, 2008

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